

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL ST AGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one)

☒ original  
☐ design

(check one, if applicable)  
☐ national stage of PCT  
☐ supplemental

☐ divisional  
☐ continuation  
☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

SURGICAL STAPLER

SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b) or (c))

(a) ☐ is attached hereto.

(b) ☒ was filed on October 27, 1995, as ☒ Serial No. 08/549,580.  
or ☐ Express Mail No., as Serial No. not yet known.  
and was amended \_\_\_\_\_ (if applicable).

(c) ☐ was described and claimed in PCT International Application  
No. \_\_\_\_\_ filed on \_\_\_\_\_ and as  
amended under PCT Article 19 on \_\_\_\_\_ (if any).

BEST AVAILABLE COPY

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. § 1.56(a).

FOREIGN PRIORITY CLAIM

☐ I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NO.	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER 35 USC 119
---------	-----------------	--------------------------------------	--------------------------------------

☐ YES ☐ NO

☐ YES ☐ NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

BEST AVAILABLE COPY

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

[ ] I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

Prior U.S. Application(s) or PCT International Application(s) Designating the U.S. For Benefit Under 35 U.S.C. § 120.

U.S. APPLICATIONS

Serial No.	Filing Date	Status (patented, pending or abandoned)
------------	-------------	---

PCT APPLICATIONS DESIGNATING THE U.S.

PCT Application No.	PCT filing date	U.S. Serial Nos. assigned (if any)	Status (patented, pending, abandoned)
---------------------	-----------------	---	--

BEST AVAILABLE COPY

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

JOHN C. ANDRES Reg. No. 30,931; NEIL D. GERSHON Reg. No. 32,225; BASAM E. NABULSI Reg. No. 31,645; MARK FARBER Reg. No. 34,159; NEIL Y. GILBERT Reg. No. 35,156; and CAROLYN H. BLANKENSHIP Reg. No. 35,449, all of United States Surgical Corporation, 150 Glover Avenue, Norwalk, Connecticut 06856.

PETER G. DILWORTH Reg. No. 26,450; ROCCO S. BARRESE Reg. No. 25,253; JOSEPH J. CATANZARO Reg. No. 25,837; DAVID M. CARTER Reg. No. 30,949; PAUL J. FARRELL Reg. No. 33,494; ADRIAN T. CALDERONE REG. NO. 31,746; GEORGE M. KAPLAN Reg. No. 28,375; PETER DELUCA Reg. 32,978; JEFFREY S. STEEN Reg. No. 32,063; JOSEPH W. SCHMIDT Reg. No. 36,920; RAYMOND E. FARRELL Reg. No. 34,816; RUSSELL R. KASSNER Reg. No. 36,183; FRANK CHAU Reg. No. 34,136; SCOTT D. WOFSY Reg. No. 35,413; ANTHONY J. NATOLI Reg. No. 36,223; MICHAEL P. DILWORTH Reg. No. 37,311; CHRISTOPHER J. CAPELLI Reg. No. 38,405; RICHARD F. JAWORSKI Reg. No. 33,515; and DANIEL E. TIERNEY Reg. No. 33,461; WALTER M. EGBERT, III Reg. No. 37,317; JEAN Y. CHUNG Reg. 38,674; and GLENN F. SAVITT Reg. No. 37,437, all of Dilworth and Barrese, 333 Earle Ovington Boulevard, Uniondale, New York 11553.

Send Correspondence to

Direct Telephone Calls To:  
(Name and telephone number)

Neil D. Gershon  
United States Surgical Corporation  
150 Glover Avenue  
Norwalk, Connecticut 06856

Neil D. Gershon  
(203) 845-1480

**BEST AVAILABLE COPY**

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of sole or first inventor Robert J. Geiste  
Inventor's signature [Signature]  
Date 2/6/96 Country of Citizenship U.S.A.  
Residence 44 Overlook Drive, Milford, Connecticut 06460  
Post Office Address (same as above)

Full name of second inventor Mitchell J. Palmer  
Inventor's signature [Signature]  
Date 2/6/96 Country of Citizenship U.S.A.  
Residence 1 Linden Tree Road, New Milford, Connecticut 06776  
Post Office Address (same as above)

[x] Check here for added signature pages for third and subsequent inventors.  
Number of added pages is 1.

Full name of third inventor Lisa W. Heaton  
Inventor's signature Lisa W. Heaton  
Date 2-5-96 Country of Citizenship U.S.A.  
Residence 19 Devon Avenue, Norwalk, Connecticut 06850  
Post Office Address (same as above)

Full name of fourth inventor Robert C. Savage  
Inventor's signature Robert C. Savage  
Date 2/5/96 Country of Citizenship U.S.A.  
Residence 136 Floral Way, Stratford, Connecticut 06497  
Post Office Address (same as above)

Full name of fifth inventor Jon Wilson  
Inventor's signature Jon Wilson  
Date 2-6-96 Country of Citizenship U.S.A.  
Residence 55 Orchard Hill Drive, Fairfield, Connecticut 06430  
Post Office Address (same as above)

BEST AVAILABLE COPY